

AMENDED IN ASSEMBLY APRIL 11, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 2832

Introduced by Assembly Member Shelley

February 25, 2002

An act to amend ~~Sections 2157 and 18109~~ *Section 2157* of, and to add Sections *101.5, 2162.5, 2186, 2195, and 2196* ~~2196, 9607, 9608, 9609, and 9610~~ to, the Elections Code, relating to voter ~~registration~~ *information*.

LEGISLATIVE COUNSEL'S DIGEST

AB 2832, as amended, Shelley. Voter ~~registration~~ *information*: privacy.

Existing law requires that a state or local initiative petition contain, prior to the portion of the petition for voters' signatures, a specified statement in 12-point type that the petition may be circulated by a paid signature gatherer or a volunteer, and that the signer has a right to ask.

This bill would require that, immediately following the statement referred to above, an additional statement be printed in 12-point type, as specified, that state law prohibits the use of the signer's signature for any purpose other than qualification of this measure for the ballot, and that complaints about the misuse of the signer's signature may be made to the Secretary of State's office.

Existing law provides that a person may not be registered as a voter except by affidavit of registration. It requires that the form of the registration affidavit contain all the information required to register the affiant as an elector, and that it be included as part of a voter registration card.

This bill would require that the form of the affidavit of registration also contain, at the top of the card, a statement that state law prohibits the use of voter registration information for commercial purposes, and any suspected misuse should be reported to the office of the Secretary of State, as specified, as well as a fraud hotline telephone number maintained by the Secretary of State at which the public may report suspected fraudulent activity concerning misuse of voter registration information.

This bill would further require that any on-line or downloadable voter registration form maintained on the Web site of the Secretary of State's office include a statement that state law prohibits the use of voter registration information for commercial purposes, and any suspected misuse should be reported to the office of the Secretary of State, as specified.

Existing law requires that a complete index of voter registration, by precinct, containing the name, address, residence telephone number if furnished, and political affiliation of each voter be published by the county elections official at least once every 2 years, and be made available to campaign committees, candidates, state legislators, congressional incumbents, and county central committees at their request. The use of this information is restricted generally for election, scholarly or political research, or governmental purposes. It is a misdemeanor under existing law for a person to knowingly use or allow the use of any of this information for other purposes.

~~This bill would require any person or committee filing a request for copies of the voter index to post a bond of an unspecified sum with the county elections official for the benefit of the voters to whom the requested information pertains and who are damaged by the unlawful disclosure of that information.~~

This bill would require the Secretary of State to include on the Web site of the Secretary of State's office information relating to the purchase of copies of the index of registration, including the name of the person and the committee or other organization represented, the date of the purchase, and the purpose for which the purchase was made.

This bill would require the Secretary of State to appoint a task force of 7 members who have experience in campaigns, administration of elections, public interest organizations, law enforcement, and other relevant backgrounds to study and recommend to the Secretary of State appropriate standards for safeguarding voter file information in view of the different data base formats and security procedures used by the



various counties. It would require the task force to file its report with the Secretary of State and the Legislature no later than January 1, 2004.

This bill would require the Secretary of State to adopt uniform guidelines based upon the recommendations in the report filed by the task force not later than January 1, 2005.

This bill would require any person or committee who purchases data from a voter file and who uses any or all of that data to provide services to a candidate or another committee to include at the appropriate location in a contract for services a specified notice in bold type that state law prohibits the use of voter registration information for commercial purposes.

Existing law imposes various requirements concerning the circulation of initiative petitions, and prohibits, subject to misdemeanor penalties, the use of signatures on an initiative petition for a purpose other than qualification of the proposed measure for the ballot.

This bill would require the proponents of an initiative measure to ensure that any person, company, or other organization that is paid, or who volunteers, to solicit signatures to qualify the proposed measure for the ballot receive instruction on the requirements and prohibitions imposed by state law with respect to circulation of the petition and signature gathering thereon, with an emphasis on the prohibition on the use of signatures on an initiative petition for a purpose other than qualification of the proposed measure for the ballot.

This bill would require each proponent of an initiative measure to execute and submit, along with the request for a title and summary for the proposed measure, a signed statement, as specified, acknowledging that it is a misdemeanor under state law to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot, and certifying that he or she will not knowingly or willfully allow the signatures for the initiative to be used for any purpose other than qualification of the measure for the ballot.

This bill would require the person, company official, or other organizational officer who is in charge of signature gathering, prior to allowing any person to circulate an initiative petition for signatures, to execute and file a similar statement with the proponents. It would also require each circulator, prior to soliciting signatures on an initiative petition, to execute and submit to the person, company official, or other organizational officer who is in charge of signature gathering, a similar statement.



This bill, by requiring the proponents' certified statement required by this bill to be kept on file by the agency authorized to prepare the title and summary for the proposed initiative measure, would impose a state-mandated local program.

~~Existing law makes it a misdemeanor for any person in possession of voter registration index information, among other things, to use or permit the use of all or any part of that information for any purpose other than as permitted by law.~~

~~This bill, by making a violation punishable by a fine not exceeding \$1,000 or by imprisonment in the state prison not to exceed one year, or by both the fine and imprisonment, would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares that:
- 2 (a) In the Internet Age, an individual's voter registration
- 3 information is in danger of being shared, sold, or borrowed for
- 4 purposes outside of the strict limits of the law.
- 5 (b) There exists a need to provide greater security for
- 6 information contained in voter files which generally may be

1 accessed from the offices of county elections officials, the office
2 of the Secretary of State, commercial vendors, and campaign
3 consultants.

4 SEC. 2. *Section 101.5 is added to the Elections Code, to read:*
5 *101.5. Immediately following the statement required by*
6 *Section 101, the following statement shall be printed in 12-point*
7 *type:*

8 *“STATE LAW PROHIBITS THE USE OF YOUR SIGNATURE*
9 *FOR ANY PURPOSE OTHER THAN QUALIFICATION OF*
10 *THIS MEASURE FOR THE BALLOT. COMPLAINTS ABOUT*
11 *THE MISUSE OF YOUR SIGNATURE MAY BE MADE TO THE*
12 *SECRETARY OF STATE’S OFFICE.”*

13 SEC. 3. Section 2157 of the Elections Code is amended to
14 read:

15 2157. (a) Subject to this chapter, the affidavit of registration
16 shall be in a form prescribed by regulations adopted by the
17 Secretary of State. The affidavit shall:

18 (1) Contain the information prescribed in Section 2150.

19 (2) Be sufficiently uniform among the separate counties to
20 allow for the processing and use by one county of an affidavit
21 completed in another county.

22 (3) Allow for the inclusion of informational language to meet
23 the specific needs of that county, including but not limited to, the
24 return address of the elections official in that county, and a phone
25 number at which a voter can obtain elections information in that
26 county.

27 (4) Be included on one portion of a multipart card, to be known
28 as a voter registration card, the other portions of which shall
29 include information sufficient to facilitate completion and mailing
30 of the affidavit. The affidavit portion of the multipart card shall be
31 numbered according to regulations adopted by the Secretary of
32 State. For purposes of facilitating the distribution of voter
33 registration cards as provided in Section 2158, there shall be
34 attached to the affidavit portion a receipt. The receipt shall be
35 separated from the body of the affidavit by a perforated line.

36 (5) Contain, at the top of the card, in a type size and color of ink
37 that is clearly distinguishable from surrounding text, a statement
38 that state law prohibits the use of voter registration information for
39 commercial purposes, and any suspected misuse should be
40 reported to the office of the Secretary of State.

(6) Contain a Fraud Hotline telephone number maintained by the Secretary of State at which the public may report suspected fraudulent activity concerning misuse of voter registration information.

(7) Be returnable to the county elections official as a self-enclosed mailer with postage prepaid by the Secretary of State.

(b) Nothing contained in this division shall prevent the use of voter registration cards and affidavits of registration in existence on the effective date of this section and produced pursuant to regulations of the Secretary of State, and all references to voter registration cards and affidavits in this division shall be applied to the existing voter registration cards and affidavits of registration.

~~SEC. 3.—~~

SEC. 4. Section 2162.5 is added to the Elections Code, to read:

2162.5. Any on-line or downloadable voter registration form maintained on the Web site of the Secretary of State's office shall include at the top of the form, in a font size and color that is clearly distinguishable from surrounding text, a statement that state law prohibits the use of voter registration information for commercial purposes, and any suspected misuse should be reported to the office of the Secretary of State.

SEC. 4. Section 2186 is added to the Elections Code, to read:

~~2186.—Any person or committee filing a request for copies of the voter index shall post a bond of _____ dollars (\$_____) with the county elections official for the benefit of the voters to whom the requested information pertains and who are damaged by the unlawful disclosure of that information.~~

2186. The Secretary of State shall include on the Web site of the Secretary of State's office information relating to the purchase of copies of the index of registration pursuant to Section 2184, including the name of the person and the committee or other organization represented, the date of the purchase, and the purpose for which the purchase was made.

SEC. 5. Section 2195 is added to the Elections Code, to read:

2195. (a) The Secretary of State shall appoint a task force of seven members who have experience in campaigns, administration of elections, public interest organizations, law enforcement, and other relevant backgrounds to study and

1 recommend to the Secretary of State appropriate standards
2 applicable for safeguarding voter file information in view of the
3 different data base formats and security procedures used by the
4 various counties. The task force shall file its report with the
5 Secretary of State and the Legislature no later than January 1,
6 2004.

7 *(b) The Secretary of State shall adopt uniform guidelines based*
8 *upon the recommendations in the report filed by the task force*
9 *pursuant to subdivision (a) not later than January 1, 2005.*

10 SEC. 6. Section 2196 is added to the Elections Code, to read:

11 2196. Any person or committee who purchases data from a
12 voter file and who uses any or all of that data to provide services
13 to a candidate or another committee shall include at the appropriate
14 location in a contract for services a notice in bold type that states
15 as follows: "State law prohibits the use of voter registration
16 information for commercial purposes."

17 ~~SEC. 7. Section 18109 of the Elections Code is amended to~~
18 ~~read:~~

19 ~~18109. (a) Any person in possession of information obtained~~
20 ~~pursuant to Article 5 (commencing with Section 2180) of Chapter~~
21 ~~2 of Division 2, or Section 6254.4 of the Government Code, who~~
22 ~~knowingly uses or permits the use of all or any part of that~~
23 ~~information for any purpose other than as permitted by law, is~~
24 ~~punishable by a fine not exceeding one thousand dollars (\$1,000)~~
25 ~~or by imprisonment in the state prison not to exceed one year, or~~
26 ~~by both the fine and imprisonment.~~

27 ~~(b) It is a misdemeanor for any person knowingly to acquire~~
28 ~~possession or use of voter registration information referred to in~~
29 ~~subdivision (a) without first complying with Section 2188.~~

30 ~~SEC. 8. No reimbursement is required by this act pursuant to~~
31 ~~Section 6 of Article XIII B of the California Constitution because~~
32 ~~the only costs that may be incurred by a local agency or school~~
33 ~~district will be incurred because this act creates a new crime or~~
34 ~~infraction, eliminates a crime or infraction, or changes the penalty~~
35 ~~for a crime or infraction, within the meaning of Section 17556 of~~
36 ~~the Government Code, or changes the definition of a crime within~~
37 ~~the meaning of Section 6 of Article XIII B of the California~~
38 ~~Constitution.~~

39 SEC. 7. Section 9607 is added to the Elections Code, to read:

1 9607. *The proponents of an initiative measure shall ensure*
2 *that any person, company, or other organization that is paid, or*
3 *who volunteers, to solicit signatures to qualify the proposed*
4 *measure for the ballot shall receive instruction on the requirements*
5 *and prohibitions imposed by state law with respect to circulation*
6 *of the petition and signatures gathering thereon, with an emphasis*
7 *on the prohibition on the use of signatures on an initiative petition*
8 *for a purpose other than qualification of the proposed measure for*
9 *the ballot.*

10 SEC. 8. *Section 9608 is added to the Elections Code, to read:*

11 9608. (a) *A proponent of an initiative measure shall execute*
12 *and submit, along with the request for a title and summary for the*
13 *proposed measure, a signed statement that reads as follows:*

14
15
16 I, _____, *acknowledge that it is a misdemeanor under*
17 *state law (Section 18650 of the Elections Code) to knowingly or willfully*
18 *allow the signatures on an initiative petition to be used for any purpose*
19 *other than qualification of the proposed measure for the ballot. I certify*
20 *that I will not knowingly or willfully allow the signatures for this initia-*
21 *tive to be used for any purpose other than qualification of the measure for*
22 *the ballot.*

23 _____
24 (Signature of Proponent)

25 Dated this ____ day of _____, 20____
26

27 (b) *The certification required by subdivision (a) shall be kept*
28 *on file by the agency authorized to prepare the title and summary*
29 *for the proposed initiative measure.*

30 SEC. 9. *Section 9609 is added to the Elections Code, to read:*

31 9609. *Prior to allowing a person to circulate an initiative*
32 *petition for signatures, the person, company official, or other*
33 *organizational officer who is in charge of signature gathering shall*
34 *execute and submit to the proponents, a signed statement that*
35 *reads as follows:*

I, _____, acknowledge that it is a misdemeanor under state law (Section 18650 of the Elections Code) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot. I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot.

(Signature of official)

Dated this ____ day of _____, 20____

(b) The certification required by subdivision (a) shall be kept on file by the proponents of the proposed initiative measure.

SEC. 10. Section 9610 is added to the Elections Code, to read:

9610. (a) Prior to soliciting signatures on an initiative petition, a circulator shall execute and submit to the person, company official, or other organizational officer who is in charge of signature gathering a signed statement that reads as follows:

I, _____, acknowledge that it is a misdemeanor under state law (Section 18650 of the Elections Code) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot. I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot.

(Signature of Circulator)

Dated this ____ day of _____, 20____

(b) The certification required by subdivision (a) shall be kept on file by the person, company official, or other organizational officer who is in charge of signature gathering for the proposed initiative measure.

SEC. 11. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division

1 *4 of Title 2 of the Government Code. If the statewide cost of the*
2 *claim for reimbursement does not exceed one million dollars*
3 *(\$1,000,000), reimbursement shall be made from the State*
4 *Mandates Claims Fund.*

